

First Published in the Wichita Eagle on February 6, 2015

RESOLUTION NO. 15-033

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON CUSTER FROM THE NORTH LINE OF 44TH STREET SOUTH TO THE NORTH LINE OF LOT 1, BLOCK 5, CUSTER CIRCLE FROM THE SOUTH LINE OF 44TH STREET SOUTH TO AND INCLUDING THE CUL-DE-SAC AND 44TH STREET SOUTH FROM THE WEST LINE OF LOT 6, BLOCK 6 TO THE EAST LINE OF LOT 7, BLOCK 5, LEGACY 3RD ADDITION (NORTH OF 47TH ST. SOUTH, WEST OF MERIDIAN) 472-84539 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON CUSTER FROM THE NORTH LINE OF 44TH STREET SOUTH TO THE NORTH LINE OF LOT 1, BLOCK 5, CUSTER CIRCLE FROM THE SOUTH LINE OF 44TH STREET SOUTH TO AND INCLUDING THE CUL-DE-SAC AND 44TH STREET SOUTH FROM THE WEST LINE OF LOT 6, BLOCK 6 TO THE EAST LINE OF LOT 7, BLOCK 5, LEGACY 3RD ADDITION (NORTH OF 47TH ST. SOUTH, WEST OF MERIDIAN) 472-84539 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 07-197 adopted on March 13, 2007 and Resolution No. 13-188 adopted on October 1, 2013 are hereby rescinded.

SECTION 2. That it is necessary and in the public interest to authorize constructing pavement on Custer from the north line of 44th Street South to the north line of Lot 1, Block 5, Custer Circle from the south line of 44th Street South to and including the cul-de-sac and 44th Street South from the west line of Lot 6, Block 6 to the east line of Lot 7, Block 5, Legacy 3rd Addition (north of 47th Street South, west of Meridian) 472-84539.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to be **Three Hundred Fourteen Thousand Dollars (\$314,000)** exclusive of interest on financing and administrative and financing costs, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after January 1, 2015.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

LEGACY 3RD ADDITION PHASE 2

Lots 10 through 19, Block 3

Lots 1 through 6, Block 5

Lots 7 through 12, Block 6

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable on a fractional basis: That the following lots and tracts in Legacy 3rd Addition, Wichita, Sedgwick County, Kansas shall each pay 1/22 of the total cost of the improvement district:

LEGACY 3RD ADDITION PHASE 2

Lots 10 through 19, Block 3

Lots 1 through 6, Block 5

Lots 7 through 12, Block 6

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended (the "Act").

SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.

SECTION 11. This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the

Register of Deeds of Sedgwick County, Kansas.

APPROVED by the governing body of the City Wichita Kansas, this 3rd day of February, 2015.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

SHARON L. DICKGRAFE
INTERIM DIRECTOR OF LAW AND CITY ATTORNEY